

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

JENNIFER JONES and WALTER : 5:19-cv-05005-JLV
WESTBERG,

Plaintiffs, : **DISCOVERY REPORT AND
SCHEDULING INFORMATION**

REGENCY HOTEL MANAGEMENT,

Defendant.

Pursuant to Rule 26(f) of the Fed. R. Civ. P., the parties hereby make the following Joint

Discovery Report of Parties' Planning Meeting:

A. Date and Place of the Meeting and Identification of the Parties and their Attorneys

1. The date and place at which the meeting was held;

Counsel for defendant and plaintiffs conferred via phone conference on March 14, 2019.

2. Name and community of residence of each party, together with the name and address of the attorney or attorneys who represented each party at the meeting;

**Jennifer Jones
2138 Minnekahta Ave.
Hot Springs, SD 57747
Plaintiff**

**Walter Westberg
2138 Minnekahta Ave.
Hot Springs, SD 57747
*Plaintiff***

**Melanie L. Carpenter
Woods, Fuller, Shultz & Smith, P.C.
300 S. Phillips Ave., Ste. 300
PO Box 5027**

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Sioux Falls, SD 57117-5027
Attorneys for Defendant

3. Name of the insurance carriers and amount of liability coverage available.

None.

B. Description of the Case

4. A brief narrative of the facts giving rise to the lawsuit, including a description of legal claims and defenses.

Plaintiffs were employed with Regency CSP Ventures Limited Partnership as seasonal employees beginning in August of 2015. Jones was terminated on June 10, 2016, and Westberg was terminated on August 8, 2016. Plaintiffs claim they were subject to religious discrimination and retaliation. Defendant denies these allegations and states that Plaintiffs were fired for insubordination and that no religious discrimination or retaliation occurred. Defendant alleges there are no facts to support an award of actual compensatory, punitive, or other damages against Defendant.

5. A concise statement of the jurisdictional basis of the case, giving a brief narrative description as well as statutory references.

Jurisdiction is based on 42 U.S.C. § 2000e-2. Plaintiffs are claiming Defendant violated Title VII of the Civil Rights Act.

6. A brief statement of the material issues to be resolved.

Liability and damages.

C. Pleadings

7. A statement of whether all pleadings have been filed, and a description of any amendments to the pleadings the party proposes to make including the identification of any new parties to be added (if none so state).

All pleadings have been filed. It is anticipated Plaintiffs will amend the caption to name proper Defendant.

8. The date by which all motions which seek to amend the pleadings or add parties will be filed.

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October 15, 2019.

9. Whether jury trial is available under the law, and whether a jury trial has been timely demanded.

A jury trial is available and has been demanded.

D. Initial Discovery Plan

10. Date by which all pre-discovery disclosures required by Rule 26(a)(1) will be completed.

May 1, 2019.

E. Discovery Plan

11. The procedure to be used for disclosure or discovery of electronic information.

A search for relevant electronic information will be made and responsive information provided through discovery.

12. The number of interrogatories each party shall be permitted to serve.

25, inclusive of subparts.

13. The maximum number of depositions by each party (excluding expert witness depositions).

7 per side.

14. The limits on the length of depositions in hours.

7 hours.

15. The date by which all discovery (including expert discovery) shall be completed.

January 15, 2020.

16. The number of expert witnesses, if any, each party anticipates calling at trial, and a brief description of the type of experts anticipated.

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Neither party anticipates calling an expert at trial. However, the parties reserve the right to designate experts as the need arises.

17. The date by which each party shall disclose the identity of expert witnesses and disclose the reports required under Rule 26(a)(2).

Plaintiffs will disclose experts by September 2, 2019. Defendant will disclose experts by December 16, 2019. Plaintiffs will designate rebuttal experts by January 2, 2020.

18. Whether the parties anticipate expert depositions.

Yes.

19. The number of expert depositions each party shall be permitted to take.

One deposition of each expert.

20. The frequency with which discovery responses must be supplemented pursuant to Rule 26(e).

Discovery will be supplemented within 30 days of counsel's and the parties' receipt of information, but no less than 20 days before trial.

F. Dispositive Motions and Trial

21. Date by which all dispositive motions shall be filed.

February 14, 2020.

22. Suggested trial date and estimated trial time including jury selection and instructions.

4 days.

G. Settlement

23. The parties should fully explore the possibility of settling this case at the Rule 26(f) meeting. If the case does not settle, the parties shall be fully prepared to advise the court about the status of settlement discussions. The parties shall advise the court whether they desire a settlement conference with a magistrate judge.
24. Plaintiffs are directed to make a written settlement demand prior to the Rule 26(f) meeting. Defendant shall respond in writing to this demand as soon as possible.

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Plaintiffs will make a settlement demand in 2 weeks.

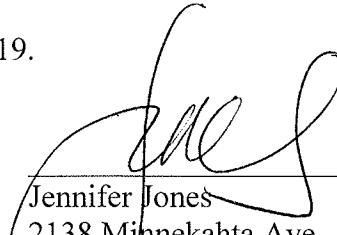
25. If plaintiffs are unable to make a settlement demand, plaintiffs shall explain:

- The inability;
- Advise the court what is needed to evaluate settlement; and
- Advise the court of the earliest date the parties can realistically evaluate settlement.

26. Other matters the parties wish to raise.

None.

Dated this 26 day of March, 2019.



Jennifer Jones
2138 Minnekahta Ave.
Hot Springs, SD 57747
Ph. (520) 440-3432
Plaintiff

Dated this 26th day of March, 2019.



Walter Westberg
2138 Minnekahta Ave.
Hot Springs, SD 57747
Ph. (703) 568-0038
Plaintiff

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Dated this 27 day of March, 2019.

WOODS, FULLER, SHULTZ & SMITH P.C.

By 
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